

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

i2 Technologies, Inc., and  
i2 Technologies US, Inc.,

Plaintiffs,

v.

Oracle Corporation, and  
Oracle USA, Inc.,

Defendants.

Civil Action No. 6:09-cv-194

JURY TRIAL REQUESTED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs i2 Technologies, Inc. and i2 Technologies US, Inc. (collectively, “i2”) file this complaint for patent infringement against Oracle Corporation and Oracle USA, Inc. (collectively, “Oracle”) and state as follows:

**THE PARTIES**

1. Plaintiff i2 Technologies, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 11701 Luna Road, Dallas, Texas, 75234.

2. Plaintiff i2 Technologies US, Inc. is a corporation organized under the laws of Nevada with its principal place of business at 11701 Luna Road, Dallas, Texas, 75234.

3. Upon information and belief, Defendant Oracle Corporation is a corporation organized and existing under the laws of Delaware with its principal place of business at 500 Oracle Parkway, Redwood City, California, 94065. Oracle Corporation is qualified to do business in the state of Texas, Filing No. 10507206, and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas, 78701, as its agent for service of process.

4. Upon information and belief, Defendant Oracle USA, Inc. is a corporation organized and existing under the laws of Colorado with its principal place of business at 500 Oracle Parkway, Redwood City, California, 94065. Oracle USA, Inc. is qualified to do business in the state of Texas, Filing No. 11106406, and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas, 78701, as its agent for service of process.

5. Oracle manufactures for sale and/or sells software products to consumers in the United States and, more particularly, in the Eastern District of Texas.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b).

8. This Court has personal jurisdiction over Oracle. Oracle has conducted and does conduct business within the State of Texas. Oracle, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises its products in the United States, the State of Texas, and the Eastern District of Texas. Oracle has purposefully and voluntarily sold one or more of its infringing products with the expectation that they will be purchased by consumers in the Eastern District of Texas. These infringing products have been and continue to be purchased by consumers in the Eastern District of Texas. Oracle has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

### **PATENT INFRINGEMENT**

9. i2 incorporates by reference paragraphs 1-8 as if fully set forth herein.

10. On June 9, 1998, United States Patent No. 5,764,543 (“the ‘543 patent”) entitled “Extensible Model Network Representation System for Process Planning” was duly and legally issued with Brian M. Kennedy as the named inventor after full and fair examination. All rights and interest in the ‘543 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 1)

11. On July 27, 1999, United States Patent No. 5,930,156 (“the ‘156 patent”) entitled “Extensible Model Network Representation System for Process Planning” was duly and legally issued with Brian M. Kennedy as the named inventor after full and fair examination. All rights and interest in the ‘156 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 2)

12. On November 9, 1999, United States Patent No. 5,983,194 (“the ‘194 patent”) entitled “Planning Coordination Systems for Coordinating Separate Factory Planning Systems and a Method of Operation” was duly and legally issued with John C. Hogge, Brian M. Kennedy, and Lamott G. Oren as the named inventors after full and fair examination. All rights and interest in the ‘194 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 3)

13. On December 26, 2000, United States Patent No. 6,167,380 (“the ‘380 patent”) entitled “System and Method for Allocating Manufactured Products to Sellers” was duly and legally issued with Brian M. Kennedy and Christopher D. Burchett as the named inventors after full and fair examination. All rights and interest in the ‘380 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 4)

14. On August 1, 2006, United States Patent No. 7,085,729 (“the ‘729 patent”) entitled “System and Method for Allocating Manufactured Products to Sellers” was duly and legally issued with Brian M. Kennedy and Christopher D. Burchett as the named inventors after

full and fair examination. All rights and interest in the '729 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 5)

15. On March 14, 2006, United States Patent No. 7,013,485 ("the '485 patent") entitled "Computer Security System" was duly and legally issued with Daniel Brown and Fernando Zapata as the named inventors after full and fair examination. All rights and interest in the '485 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 6)

16. On June 13, 2006, United States Patent No. 7,062,540 ("the '540 patent") entitled "System and Method for Remotely Monitoring and Managing Applications Across Multiple Domains" was duly and legally issued with Padma P. Reddy and Rubesh Mehta as the named inventors after full and fair examination. All rights and interest in the '540 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 7)

17. On June 20, 2006, United States Patent No. 7,065,499 ("the '499 patent") entitled "Intelligent Order Promising" was duly and legally issued with Vineet Seth and Aamer Rehman as the named inventors after full and fair examination. All rights and interest in the '499 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 8)

18. On August 12, 2008, United States Patent No. 7,412,404 ("the '404 patent") entitled "Generating, Updating, and Managing Multi-Taxonomy Environments" was duly and legally issued with Manoel Tenorio as the named inventor after full and fair examination. All rights and interest in the '404 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 9)

19. On March 25, 2008, United States Patent No. 7,349,861 ("the '861 patent") entitled "Value Chain Management" was duly and legally issued with David J. Fischer, Geoffrey M. Squires, Rakesh Sharma, Ramnath Ganesan, Deepak M. Ghodke, and Bharadwaj Rangarajan

as the named inventors after full and fair examination. All rights and interest in the '861 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 10)

20. On May 6, 2008, United States Patent No. 7,370,009 ("the '009 patent") entitled "Extreme Capacity Management in an Electronic Marketplace Environment" was duly and legally issued with Ranjit Notani, Vinatha Chaturvedi, Vinayak S. Ghaisas, and Harsha Chaturvedi as the named inventors after full and fair examination. All rights and interest in the '009 patent are owned by i2 Technologies US, Inc. (Attached hereto as Exhibit 11)

21. The '543, '156, '194, '380, '729, '485, '540, '499, '404, '861, and '009 patents are collectively referred to herein as the "Patents-in-Suit."

22. Oracle has infringed and/or continues to infringe the Patents-in-Suit. Oracle is liable for direct infringement, as well as indirect infringement by way of inducement or contributory infringement, of the Patents-in-Suit pursuant to 35 U.S.C. § 271 (a), (b), (c), (f), and/or (g).

23. Oracle's acts of infringement have caused damage to i2. i2 is entitled to recover from Oracle the damages sustained by i2 as a result of Oracle's wrongful acts in an amount subject to proof at trial. Oracle's infringement of i2's rights under the Patents-in-Suit will continue to damage i2's business, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court.

24. Oracle has received actual notice of infringement. Oracle has also received constructive notice, as i2 has complied with the requirements of 35 U.S.C. § 287.

**DEMAND FOR JURY TRIAL**

i2 hereby demands a jury for all issues so triable.

**PRAYER**

WHEREFORE, i2 prays for judgment that:

1. Oracle has infringed the Patents-in-Suit;
2. i2 recover actual damages under 35 U.S.C. § 284;
3. i2 be awarded supplemental damages for any continuing post-verdict infringement up until final judgment;
4. An accounting of damages;
5. A judgment and order requiring Oracle to pay to i2 pre-judgment and post-judgment interest on the damages awarded, including an award of prejudgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the Patents-In-Suit by Oracle to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;
6. A judgment and order that Oracle, its agents, employees, representatives, successors and assigns, and those acting in privity or in concert with them, be preliminarily and permanently enjoined from further infringement of the Patents-in-Suit;
7. In the event a final injunction is not awarded, a compulsory ongoing royalty; and
8. Such other and further relief as the Court deems just and equitable.

DATED: April 29, 2009.

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam Baxter

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